C. Remarks

The claims are 1-11, with claim 1 being the sole independent claim. Claims 7-11 have been withdrawn from consideration as being directed to non-elected subject matter. Claim 1 has been amended to clarify the intended invention. Support for this amendment may be found, for example, at page 7, line 6, to page 8, line 14, and in the Examples. Claims 2-6 have been amended to reflect the changes in claim 1. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 1-3, 5 and 6 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2004/0074336 A1 (Daimon). Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from JP 10-212592 (Kobayashi) in view of U.S. Patent No. 3,032,486 (Sallo). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of the rejections, Applicants would like to briefly discuss some of the features of the presently claimed invention. That invention, in pertinent part, is related to a solution, which includes ionic Fe, ionic Pt, and a complex agent. The molar ratio of the ionic Fe to the ionic Pt is from 0.75 to 3. Importantly, this solution is composed so that plating using this solution results in a deposition of a composition consisting of Fe and Pt or Fe, Pt, and Cu, i.e., other components present in the solution are not a part of the FePt or FePtCu composition being deposited by plating.

Daimon is related to a method for producing fine particles using heat deposition. However, Applicants respectfully submit that even though this reference discloses the use of, for example, an iron (III) acetylacetonato complex, a platinum (II)

acetylacetonato complex, and copper (II) sulfate (Example 41), it does not disclose or suggest a solution from which a composition of FePt or FePtCu with no other component therein is deposited, as recited in the present claims. Since the preparation method in Daimon does not involve plating, there is no reason to modify or adjust the composition of a solution to achieve its claimed functionality.

Kobayashi is directed to electrodeposition of a film in a platinum-molybdenum-iron family. However, as acknowledged by the Examiner, this reference does not disclose a solution, which includes a complex agent. Nonetheless, the Examiner alleged that Sallo discloses a complex agent, which would be obvious to use in Kobayashi.

Applicants respectfully submit that the combination as alleged by the Examiner does not render the present claim unpatentable. In particular, as noted above, the claimed solution is composed so that plating using this solution results in deposition of a composition consisting of Fe and Pt or Fe, Pt, and Cu. Neither Kobayashi nor Sallo discloses or suggests how to prepare a solution to achieve such a deposit when a complex agent is used. As noted in the substitute specification at pages 7, line 17, to page 8, line 14, deposition behavior of the solution is dependent on its ingredients, including the complex agent. A mere selection of components fitting the general definitions of ionic Fe, ionic Pt, and a complex agent does not inherently provide a solution capable of leaving a deposit of a composition consisting of Fe and Pt or Fe, Pt, and Cu when plated.

In sum, Applicants respectfully submit that the cited references, whether considered separately or in any combination, fail to disclose or suggest all of the presently claimed elements.

Wherefore, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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